

**MINUTES**  
**LANCASTER COUNTY BOARD OF COMMISSIONERS**  
**TUESDAY, MAY 3, 2005**  
**COUNTY COMMISSIONERS HEARING ROOM, ROOM 112**  
**FIRST FLOOR, COUNTY-CITY BUILDING**  
**1:30 P.M.**

Commissioners Present: Larry Hudkins, Chair  
Deb Schorr, Vice Chair  
Bernie Heier  
Ray Stevens  
Bob Workman

Others Present: Kerry Eagan, Chief Administrative Officer  
Bruce Medcalf, County Clerk  
Kristy Mundt, Deputy County Attorney  
Trish Owen, Chief Deputy County Clerk  
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners meeting was called to order at 1:30 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, April 26, 2005.**

**MOTION:** Workman moved and Stevens seconded approval of the minutes of the Board of Commissioners meeting dated April 26, 2005. Schorr, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

- 2) **SPECIAL PRESENTATIONS:**

**A. The Commissioners Award of Excellence was presented to Tina M. Holland, an employee with Lancaster Manor, for April, 2005 .**

**MOTION:** Schorr moved and Heier seconded approval of the Commissioners Award of Excellence to Tina M. Holland for April, 2005. Workman, Schorr, Heier, Stevens and Hudkins voted aye. Motion carried.

3) **CLAIMS FOR REVIEW:**

**A. A payment voucher, in the amount of \$4,473.68, from Sheryl Schrepf for 17 days of consulting services.**

**MOTION:** Stevens moved and Workman seconded approval of a payment voucher, in the amount of \$4,473.68, from Sheryl Schrepf for 17 days of consulting services.

Heier asked if the County had entered into a contract with Schrepf.

Kristy Mundt, Deputy County Attorney, stated the County had no contract, however, there is a legal theory entitled quantum meruit which determines the amount to be paid when no contract exists.

**ROLL CALL:** Stevens and Workman voted yes. Heier, Schorr and Hudkins voted no. Motion failed.

**MOTION:** Schorr moved and Workman seconded approval of a claim for review, in the amount of \$2,200, for Sheryl Schrepf. Stevens, Workman, Schorr and Hudkins voted aye. Heier voted no. Motion carried.

4) **CLAIMS: Approval of all claims processed through Tuesday, May 3, 2005.**

**MOTION:** Workman moved and Heier seconded approval of all claims processed through May 3, 2005. Workman, Stevens, Schorr, Heier and Hudkins voted aye. Motion carried.

5) **PUBLIC HEARINGS:**

**A. An application for Corporate Manager from Kim McKay and an application for a Class I (Bottle Club) liquor license for SKM Enterprises, Inc. d/b/a Castaways Bar & Grill on Branched Oak, located at 10005 West Davey Road, Raymond, Lancaster County, Nebraska.**

The Chair opened the public hearing and asked if anyone wished to testify in favor of the application.

The Clerk administered the oath to Steve and Kim McKay, applicants.

5) **PUBLIC HEARINGS CONTINUED:**

Steven McKay stated they took over operation of what was P.O. Pears on the Lake at Branched Oak Recreation Area. He added they are the current owners of Castaways at the Pawnee State Recreation Area.

In response to a question asked by Hudkins, McKay stated they have been operating under P.O. Pears' liquor license since April 1, 2005.

Discussion followed regarding proration of the license fee.

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was recessed for one week.

6) **NEW BUSINESS:**

**A. Execution of a lease purchase agreement and related documents and a resolution approving the execution of a lease purchase agreement with Nebraska Association of County Officials (NACO) Leasing Corporation for the acquisition of one IBMz/890 Enterprise Server and an IBM Enterprise Storage Server Unit with attachments and accessories to be utilized by Lancaster County/City of Lincoln Information Services. The lease purchase agreement will begin May 5, 2005 and end May 1, 2010. The principal is \$292,417 with an interest rate of 3.350 percent. Payment will be made quarterly, in the amount of \$15,934.63, and the total payment amount is \$318,692.54. (C-05-0238 and R-05-0053)**

**MOTION:** Stevens moved and Workman seconded approval of a lease purchase agreement and related documents and a resolution approving the execution of a lease purchase agreement with Nebraska Association of County Officials (NACO) Leasing Corporation for the acquisition of one IBMz/890 Enterprise Server and an IBM Enterprise Storage Server Unit with attachments and accessories to be utilized by Lancaster County/City of Lincoln Information Services. Heier, Workman, Schorr, Stevens and Hudkins voted aye. Motion carried.

6) NEW BUSINESS CONTINUED:

**B. An agreement with Seim, Johnson, Sestak and Quist L.L.P., to prepare and deliver the Medicare Form HCFA 2088-91-A cost report for the fiscal year ended June 30, 2005 for the Community Mental Health Center. The length of the agreement is from the date of execution until the cost report has been submitted to the County. The County will pay \$3,700 to \$4,100 for the services. (C-05-0240)**

**MOTION:** Schorr moved and Stevens seconded approval of an agreement with Seim, Johnson, Sestak and Quist L.L.P., to prepare and deliver the Medicare Form HCFA 2088-91-A cost report for the fiscal year ended June 30, 2005 for the Community Mental Health Center. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

**C. An interlocal agreement between Lancaster County and the City of Hickman for law enforcement services through the Lancaster County Sheriff's Office. The County will assign one deputy for law enforcement purposes in the City of Hickman. The County will be paid \$6,343 per month for the services of the deputy. Term of the agreement is September 1, 2005 to August 31, 2006. (C-05-0239)**

**D. An interlocal agreement with the City of Hickman for law enforcement services within the City, as needed by the City. The Sheriff will assign one deputy for duty and provide one Sheriff's cruiser. Term of the agreement is from November 1, 2005 to October 31, 2006. The County will be reimbursed at the deputy's overtime rate for the services provided and will be reimbursed 40.5 cents per mile for cruiser maintenance. (C-05-0241)**

New Business Items 6C and 6D were heard together.

Terry Wagner, County Sheriff, explained Item 6C indicating the agreement was for a full-time deputy (40 hours per week) and patrol unit and had been in place for a number of years. He referred to Item 6D explaining that Hickman asked for additional coverage, on an as-needed basis, at certain times when the regular deputy was off-duty.

6) **NEW BUSINESS CONTINUED:**

**MOTION:** Stevens moved and Heier seconded approval of an interlocal agreement between Lancaster County and the City of Hickman for law enforcement services through the Lancaster County Sheriff's Office (Item 6C) and an interlocal agreement with the City of Hickman for law enforcement services within the City, as needed by the City (Item 6D). Stevens, Workman, Heier, Schorr and Hudkins voted aye. Motion carried.

**E. A Federal Equitable Sharing agreement between the Federal Government and the Lancaster County Sheriff's Office for participation in the equitable sharing program and restrictions upon the use of federally forfeited cash, property, proceeds and any interest earned. The agreement is valid through September 30, 2008. (C-05-0244)**

**MOTION:** Workman moved and Stevens seconded approval of a Federal Equitable Sharing agreement between the Federal Government and the Lancaster County Sheriff's Office for participation in the equitable sharing program and restrictions upon the use of federally forfeited cash, property, proceeds and any interest earned. Heier, Stevens, Schorr, Workman and Hudkins voted aye. Motion carried.

**F. An agreement between Lancaster County, Region V Systems and Cornhusker Place of Lincoln-Lancaster County, Inc. for Cornhusker Place to assist the County and Region V by including in the services it presently provides, the detention of individuals who are in Emergency Protective Custody (EPC) in cases in which detention at Cornhusker Place is appropriate. The agreement is effective July 1, 2005 and will expire on June 30, 2006. Any party may terminate the agreement by giving 60 days written notice. (C-50-0245)**

**MOTION:** Heier moved and Stevens seconded approval of an agreement between Lancaster County, Region V Systems and Cornhusker Place of Lincoln-Lancaster County, Inc. for Cornhusker Place to assist the County and Region V by including in the services it presently provides, the detention of individuals who are in Emergency Protective Custody (EPC) in cases in which detention at Cornhusker Place is appropriate. Workman, Schorr, Stevens, Heier and Hudkins voted aye. Motion carried.

6) NEW BUSINESS CONTINUED:

- G. A subordination agreement between Lancaster County, West Gate Bank and U.S. Foods L.L.C. allowing U.S. Foods, L.L.C. to refinance with West Gate Bank. West Gate Bank will replace the existing senior lien holder. The position of Lancaster County's lien filed as collateral for a Community Development Block Grant (CDBG) funded economic development job creation loan will remain unchanged. (C-05-0246)**

Troy Gagner, Economic Development Coordinator, explained the subordination agreement was to refinance the existing the loan with a different bank.

**MOTION:** Workman moved and Heier seconded approval of a subordination agreement between Lancaster County, West Gate Bank and U.S. Foods L.L.C. allowing U.S. Foods, L.L.C. to refinance with West Gate Bank. Stevens, Workman, Heier, Schorr and Hudkins voted aye. Motion carried.

- H. An amendment to an agreement with Family Services d/b/a CF Star, under County Contract C-04-0274, for wraparound services to youth who are wards of the State of Nebraska Health and Human Services Southeastern Service Area and reside in Lancaster County. The County desires additional care coordinators and as a result, the parties wish to amend the compensation from \$407,796.72 to \$427,654.57. (C-05-0237)**

**MOTION:** Schorr moved and Stevens seconded approval of an amendment to an agreement with Family Services d/b/a CF Star, under County Contract C-04-0274, for wraparound services to youth who are wards of the State of Nebraska Health and Human Services Southeastern Service Area and reside in Lancaster County. Schorr, Stevens, Heier, Workman and Hudkins voted aye. Motion carried.

- I. An amendment to a cooperative agreement with the Nebraska Department of Health and Human Services for the Intensive Care Coordination Unit (ICCU), under County Contract C-03-0451, for the purpose of providing behavioral service to high need youth who are wards of the State of Nebraska. The amendment extends the agreement through June 30, 2005. (C-05-0242)**

6) **NEW BUSINESS CONTINUED:**

**MOTION:** Schorr moved and Workman seconded approval of an amendment to a cooperative agreement with the Nebraska Department of Health and Human Services for the Intensive Care Coordination Unit (ICCU), under County Contract C-03-0451, for the purpose of providing behavioral service to high need youth who are wards of the State of Nebraska. Stevens, Schorr, Heier, Workman and Hudkins voted aye. Motion carried.

**J. An application for long term care group coverage with the Aetna Life Insurance Company. This application is part of the service agreement for Aetna long term care insurance that was previously approved by the County Board on March 22, 2005 under County Contract C-05-0156. (C-05-0243)**

**MOTION:** Workman moved and Heier seconded approval of an application for long term care group coverage with the Aetna Life Insurance Company. Schorr, Stevens, Heier, Workman and Hudkins voted aye. Motion carried.

**K. Authorization of Wells Fargo Bank, as trustee, to disburse and make payment from the Lancaster County Limited Tax Building 2004 Construction Fund to Don McKinney, Inc., in the amount of \$4,830, for the Sheriff's vehicle storage facility.**

**MOTION:** Heier moved and Workman seconded approval of authorizing Wells Fargo Bank, as trustee, to disburse and make payment from the Lancaster County Limited Tax Building 2004 Construction Fund to Don McKinney, Inc., in the amount of \$4,830, for the Sheriff's vehicle storage facility. Workman, Schorr, Heier, Stevens and Hudkins voted aye. Motion carried.

**L. Change Order Number 1 to a contract with Midwest Roofing Company for the re-roof of the Lancaster County Extension Office at 444 Cherry Creek Road, crediting \$4,542 for unused contingency allowance. (C-05-0247)**

**MOTION:** Workman moved and Stevens seconded approval of Change Order Number 1 to a contract with Midwest Roofing Company for the re-roof of the Lancaster County Extension Office at 444 Cherry Creek Road, crediting \$4,542 for unused contingency allowance. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

**M. Change Order Number 1 to a contract with Progressive Construction Company for construction of the Lancaster County Vehicle Storage Facility, adding 39 days to the contract time. (C-05-0248)**

**MOTION:** Stevens moved and Heier seconded approval of Change Order Number 1 to a contract with Progressive Construction Company for construction of the Lancaster County Vehicle Storage Facility, adding 39 days to the contract time. Schorr, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

**N. Release of a real estate mortgage on property legally described as a 1.61 acre tract in the southwest corner of Lot 13 SE 14-11-8 (17400 Bluff Road) for the benefit of Lois J. Whitney who has met the grant requirements of the Lancaster County Housing Rehabilitation Program. (C-05-0249)**

**MOTION:** Heier moved and Workman seconded approval of release of a real estate mortgage on property legally described as a 1.61 acre tract in the southwest corner of Lot 13 SE 14-11-8 (17400 Bluff Road) for the benefit of Lois J. Whitney who has met the grant requirements of the Lancaster County Housing Rehabilitation Program. Workman, Schorr, Heier, Stevens and Hudkins voted aye. Motion carried.

**O. Release of a real estate mortgage on property legally described as Lots 22 and 24 NW 9-7-7 (6005 Panama Road, Hickman, Nebraska) for the benefit of Tracey Latture, who has met the grant requirements of the Lancaster County Housing Rehabilitation Program. (C-05-0250)**

**MOTION:** Stevens moved and Heier seconded approval of release of a real estate mortgage on property legally described as Lots 22 and 24 NW 9-7-7 (6005 Panama Road, Hickman, Nebraska) for the benefit of Tracey Latture, who has met the grant requirements of the Lancaster County Housing Rehabilitation Program. Stevens, Heier, Workman, Schorr and Hudkins voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

**P. Request from Jim Haszard for attorneys fees, in the amount of \$333.75, for recovery of General Assistance benefits from a Social Security award, pursuant to County Resolution 4630.**

**MOTION:** Stevens moved and Workman seconded approval of a request from Jim Haszard for attorneys fees, in the amount of \$333.75, for recovery of General Assistance benefits from a Social Security award, pursuant to County Resolution 4630. Workman, Stevens, Schorr, Heier and Hudkins voted aye. Motion carried.

**Q. A request from Bruce Griffith, on behalf of AdventSource, for a refund of 2004 personal property taxes, in the approximate amount of \$282.18.**

Norm Agena, County Assessor/Register of Deeds, explained that there was an error on the part of his office and recommended the request be approved.

**MOTION:** Heier moved and Stevens seconded approval of a request from Bruce Griffith, on behalf of AdventSource, for a refund of 2004 personal property taxes, in the approximate amount of \$282.18. Stevens, Heier, Workman, Schorr and Hudkins voted aye. Motion carried.

**R. A political subdivision tort claim filed against the Lancaster County Corrections Department by Elizabeth Hogrefe for stolen property, in the amount of \$30.**

**MOTION:** Stevens moved and Heier seconded to accept the recommendation of the Director of Corrections and deny the political subdivision tort claim filed against the Lancaster County Corrections Department by Elizabeth Hogrefe for stolen property, in the amount of \$30. Heier, Workman, Schorr, Stevens and Hudkins voted aye. Motion carried.

**S. A political subdivision tort claim filed against the Lancaster County Corrections Department by Richard Van Dorien for damaged property, in the amount of \$9.70.**

**MOTION:** Workman moved and Schorr seconded to accept the recommendation of the Director of Corrections and deny the political subdivision tort claim filed against the Lancaster County Corrections Department by Richard Van Dorien for damaged property, in the amount of \$9.70. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

7) **CONSENT ITEMS:** These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

**A. Request from Darwin, E. Anderson, an employee with the Youth Services Center, to voluntarily participate in the Lancaster County Retirement Plan, having met the requirements.**

**MOTION:** Schorr moved and Heier seconded approval of the Consent Item. Schorr, Heier, Workman, Stevens and Hudkins voted aye. Motion carried.

8) **OTHER BUSINESS:**

Coby Mach, Executive Director of the Lincoln Independent Business Association (LIBA), and Craig Mason, Board of Directors for the Lincoln Independent Business Association, appeared regarding lodging tax funds.

Mach presented and briefly discussed a position statement regarding lodging tax funds from the LIBA Board of Directors (Exhibit 1).

9) **ADJOURNMENT:**

**MOTION:** Schorr moved and Stevens seconded adjournment of the Board of Commissioners meeting at 2:20 p.m.. Heier, Stevens, Schorr, Workman and Hudkins voted aye. Motion carried.

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Bruce Medcalf  
County Clerk

**MINUTES  
LANCASTER COUNTY BOARD OF EQUALIZATION  
TUESDAY, MAY 3, 2005  
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112  
FIRST FLOOR, COUNTY-CITY BUILDING  
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS  
MEETING**

Commissioners Present: Larry Hudkins, Chair  
Deb Schorr, Vice Chair  
Bernie Heier  
Ray Stevens  
Bob Workman

Others Present: Norm Agena, County Assessor/Register of Deeds  
Kerry Eagan, Chief Administrative Officer  
Bruce Medcalf, County Clerk  
Kristy Mundt, Deputy County Attorney  
Trish Owen, Chief Deputy County Clerk  
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization meeting was called to order at 2:20 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, April 26, 2005.**

**MOTION:** Workman moved and Heier seconded approval of the minutes of the Board of Equalization meeting dated April 26, 2005. Schorr, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

**Approval of 136 additions and deductions to the tax assessment rolls per Exhibit A.**

**MOTION:** Schorr moved and Stevens seconded approval of additions and deductions to the tax assessment rolls. Workman, Schorr, Stevens and Hudkins voted aye. Heier abstained from voting. Motion carried.

3) **APPROVAL OF MOTOR VEHICLE TAX EXEMPTIONS:**

**BryanLGH Medical Center  
Catholic Bishop of Lincoln (2 exemptions)  
Christ United Methodist Church  
Immanuel Temple Apostolic Church  
Reach Out Christian Center  
VITAL Services, Inc.**

**MOTION:** Schorr moved and Heier seconded approval of the motor vehicle tax exemptions for BryanLGH Medical Center, Catholic Bishop of Lincoln, Christ United Methodist Church, Immanuel Temple Apostolic Church, Reach Out Christian Center and VITAL Services, Inc..

**AMENDMENT TO THE MOTION:** Stevens moved and Workman seconded to amend the motion to remove the 1987 Metro bus for Immanuel Temple Apostolic Church. Workman, Stevens and Hudkins voted aye. Heier and Schorr voted no. Motion carried.

**ROLL CALL ON ORIGINAL MOTION:** Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

4) **DENIAL OF A MOTOR VEHICLE TAX EXEMPTION:**

**Immanuel Temple Apostolic Church (1987 Metro Bus)**

**MOTION:** Workman moved and Stevens seconded denial of the motor vehicle tax exemption for a 1987 Metro Bus for Immanuel Temple Apostolic Church. Workman, Stevens, Schorr, Heier and Hudkins voted aye. Motion carried.

5) **ADJOURNMENT:**

**MOTION:** Schorr moved and Stevens seconded adjournment of the Board of Equalization meeting at 2:27 p.m.. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

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Bruce Medcalf  
County Clerk